REMARKS

Claims 1-30 of the application stand rejected. Claims 1 and 13 have been amended herein to more clearly define the scope of the presently claimed invention. Applicants respectfully request reconsideration of pending Claims 1-30 in light of the amendments and remarks herein.

Specification

The Examiner again noted that a "Summary of the Invention" description was "missing" in the application. Applicants respectfully reiterate Applicants' position that a "Summary of the Invention" section is optional, not required, in a Specification. Applicants once again point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate the appropriate content of the section and where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one. Thus, for example, in the section highlighted by the Examiner (M.P.E.P. §608.01(d)), the language "The summary *may* point out the advantages of the invention..." is permissive and indicates that the section is optional. Similarly, 37 C.F.R. §1.73 merely states that "A brief summary of the invention ... *should* precede the detailed description. Such summary should, *when set forth*, be commensurate with the invention as claimed..." [Emphasis Added] Again, the language of 37 C.F.R. §1.73 does not state "must" or "shall" and the permissive language indicates that it is within the Applicants' discretion to make an election whether to include a summary. Accordingly, Applicants have elected not to include a "Summary of the Invention".

35 U.S.C. §103

Claims 1-30 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of U.S. Patent No. 6,389,446 ("Torii") in view of U.S. Patent No. 6,754,888 ("Dryfoos"). Applicants respectfully traverse the Examiner's rejection.

Torii describes a "multi-processor system executing a plurality of threads simultaneously and an execution method therefore [sic]" (Torii, Title) while Dryfoos teaches "a facility for evaluating a program for debugging upon detection of a debug trigger point" (Dryfoos, Title).

The Examiner concedes that Torii does not explicitly disclose "selecting an entry in a trigger table, the entry associated with the trigger instruction and entry is referenced by the trigger table". The Examiner suggests, however, that it would have been obvious to one of ordinary skill in the art to combine the teachings of Torii with Dryfoos to do so. Applicants respectfully disagree.

First and foremost, Applicants submit that the references cannot be combined in the manner suggested by the Examiner. Torii describes multi-processor system executing a plurality of threads simultaneously, while Dryfoos describes a facility for evaluating a program for debugging upon detection of a debug trigger point. There is no suggestion or motivation in either reference for such a combination. As set out in M.P.E.P. §706.02(j), "(t)here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Applicants strongly disagree that that there is any such motivation in the present case. The Examiner states that it would have been obvious to combine Torii with Dryfoos to render other elements of the claimed invention unpatentable because "one of ordinary skill in the art would be motivated to select an entry in a trigger table to differentiate between instruction programs and instructions in the operating system's service routine as suggested by Dryfoos". Applicants respectfully submit that this does not suggest a motivation, merely a result. There is no teaching in either Torii or Dryfoos to actually suggest this combination. As previously stated, the mere fact that the combination *may* provide an advantage does not *prima facie* mean that the combination is obvious. In the present case, as discussed in greater detail above, there is no teaching in either reference to suggest that it would have been obvious to one of ordinary skill in the art to combine the references in the manner described by the Examiner. Applicants therefore respectfully submit that the combination of these references is improper and respectfully request the Examiner to withdraw the 35 U.S.C. §103 rejections to Claims 1-30.

Even assuming arguendo these references were properly combined, Applicants respectfully submit that the combination of Torii and Dryfoos does not render Claims 1-30 unpatentable. As previously stated, the Examiner concedes that Torii does not explicitly teach at least one significant element of the claimed invention, but suggests that this element is taught by Dryfoos. Applicants respectfully disagree.

By way of example, the elements claimed in independent Claims 1 and 13 include receiving an instruction, determining whether the instruction is a trigger instruction, selecting an entry in a trigger table if the instruction is a trigger instruction, the entry associated with the trigger instruction, and executing an auxiliary code referenced by the entry in the trigger table. The Examiner essentially suggests that Torii teaches all but one element. While Applicants agree with the Examiner that Torii does not teach or suggest the element of "selecting an entry in a trigger table if the instruction is a trigger instruction, the entry associated with the trigger instruction", Applicants disagree that Torii teaches the element of "executing an auxiliary code referenced by the entry in the trigger table".

Applicants respectfully point out that the final element of Claims 1 and 13 ("executing an auxiliary code referenced by the entry in the trigger table") is in fact related to the element that the Examiner and Applicants agree is not taught or suggested by Torii. In other words, the element of "executing an auxiliary code referenced by the entry in the trigger table" is dependent on the previous element of "selecting an entry in a trigger table if the instruction is a trigger instruction, the entry associated with the trigger instruction". First and foremost, there is no mention in Torii of an auxiliary code *referenced by the entry in the trigger table*. The section of Torii highlighted by the Examiner states: "For example, a thread generation instruction 2 generates thread #1 (1b) from thread #0 (1a)." (Torii, Col. 4, lines 32-33). Applicants fail to see how this sentence in Torii can be interpreted as "executing an auxiliary code referenced by the entry in the trigger table".

Additionally, Since the Examiner concedes that Torii does not in fact teach the previous element of "selecting an entry in a trigger table if the instruction is a trigger instruction, the entry associated with the trigger instruction", the fact that Dryfoos may or may not teach this element (and Applicants maintain that it does not) is irrelevant because these elements cannot be read in the abstract, as the Examiner is suggesting. One element is dependent on the other. In other words, since the step of executing is dependent on the step of selecting, it would be impossible to combine the teachings of Torii and Dryfoos because Torii is not executing *the* auxiliary code *referenced by the entry in the trigger table* (*i.e.*, the trigger table allegedly taught by Dryfoos).

With respect to independent Claims 22, 24 and 29, the Examiner concedes that Torii does not explicitly disclose the element of "creating an entry in a trigger table, the entry associated with the trigger instruction and the auxiliary code". The Examiner suggests, however, that Dryfoos teaches this element and that it would have been obvious to one of ordinary skill in the art to combine the two references. Applicants respectfully traverse the Examiner's rejection. Specifically, the section of Dryfoos highlighted by the Examiner makes no mention of *creating* an entry in a trigger table, the entry associated with the trigger instruction and the auxiliary code, as the Examiner suggests. First and foremost, there is no mention of a trigger table, merely a table. The table in Dryfoos contains "at least one of information identifying at lest some areas of main storage of the computing environment where programs to be debugged may reside, or information identifying at least one program of the computing environment to be excluded from debugging" (Dryfoos, col. 1, lines 58-63). This is not, however, a "trigger table" as claimed. Additionally, Dryfoos merely mentions that the table contains "information", without any mention of creating entries for the table. As such, Applicants maintain that Dryfoos does not teach or suggest the claimed element and that Claim 22 is patentable over the combination of Torri and Dryfoos.

In summary, Applicants respectfully submit that Torii, alone or in combination with Dryfoos, does not teach or suggest the necessary elements to render the claimed invention unpatentable. Applicants therefore respectfully submit that neither of these references renders independent Claims 1, 13, 15, 22, 24 and 29 unpatentable. Similarly, the references cannot render all claims dependant on these independent claims unpatentable. Applicants therefore respectfully request the Examiner to withdraw the rejection to Claims 1-30 under 35 U.S.C. §103.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-30 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 669-1261.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: March 23, 2006

By _____
Farzad E. Amini, Reg. No. 42,261

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on March 23, 2006.

_____
Margaux Rodriguez *March 23, 2006*